

COPY

I hereby certify that this correspondence is being transmitted
via facsimile to the Commissioner of Patents, Washington, D.C.

on 04-26-2002

Arles A. Taylor, Jr.
Arles A. Taylor, Jr.

Date of Signature 04-26-2002

PATENT

#9
JRP
10/17/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dykstra, et al.

Group Art Unit: 1614

Serial No.: 09/703,804

Examiner: Delacroix Muirheid, C.

Filed: November 1, 2000

Docket No.: 421/60/15/2
(previously 5470-263)For: METHODS AND FORMULATIONS FOR THE TREATMENT OF INFECTIOUS
BURSAL DISEASE IN AVIAN SUBJECTS

RESPONSE TO RESTRICTION/ELECTION REQUIREMENTCommissioner for Patents
Washington, D.C. 20231

VIA FACSIMILE TO FAX NO.: (703) 872-9306

Sir:

This is responsive to the Restriction/Election Requirement dated March 26, 2002, having a 1-month term for Response that will expire on April 26, 2002. Favorable consideration is respectfully requested in view of the following Election and Remarks.

RESTRICTION PRESENTED

The claims have been restricted into the following groups of inventions:

COPY

<u>Groups</u>	<u>Claims</u>	<u>Subject Matter</u>
I	1 through 25; 49 through 59	A method of treating IBD in an avian subject; and pharmaceutical compositions.
II	26 through 48	A method of producing active immunity in an avian subject.

Additionally, the U.S. Patent and Trademark Office has also asserted that the claims are directed to patentably distinct species, namely the compounds represented by formulas I-IV. See Restriction/Election Requirement, Paragraph 4, Pages 2 and 3. In an April 15, 2002 telephone call with applicants' undersigned counsel, Examiner Delacroix-Muirheid confirmed that electing a compound represented by one of Formulas I-IV would be fully responsive to the Restriction/Election Requirement, in addition to electing one of Groups I and II above.

The election requirements are described at pages 2-4 of the Restriction/Election Requirement and thus are not set forth in detail herein for convenience.

APPLICANTS' ELECTION

Applicants hereby elect the invention of Group I, claims 1 through 25 and 49 through 59, drawn to a method of treating IBD in an avian subject and pharmaceutical compositions for prosecution at this time.

JENKINS & WILSON, P.A.

PATENT ATTORNEYS

SUITE 1400 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NORTH CAROLINA 27707

TELEPHONE (919) 493-8000

FACSIMILE (919) 419-0383

WEBSITE

JENKINSANDWILSON.COM

COPY

RALEIGH OFFICE

NCSU CENTENNIAL CAMPUS
VENTURE II SUITE 400920 MAIN CAMPUS DRIVE
RALEIGH, NORTH CAROLINA 27606

TELEPHONE (919) 424-3710

FACSIMILE (919) 424-3711

RICHARD E. JENKINS
JEFFREY L. WILSON
ARLES A. TAYLOR, JR.
DAVID P. GLOEKLER
GREGORY A. HUNT
JOHN A. LAMERDIN, Ph.D.
BENTLEY J. OLIVE
E. ERIC MILLS
JULIE A. BROADUS, Ph.D. (PATENT AGENT)

April 26, 2002

I hereby certify that this correspondence is being transmitted via
facsimile to the Commissioner of Patents, Washington, D.C. on04-26-2002Arles A. Taylor, Jr.

Arles A. Taylor, Jr.

Date of Signature 04-26-2002Commissioner for Patents
Washington, D.C. 20231

VIA FACSIMILE TO FAX NO.: (703) 872-9306

Re: U.S. Patent Application Serial No. 09/703,804 for METHODS AND
FORMULATIONS FOR THE TREATMENT OF INFECTIOUS BURSAL
DISEASE IN AVIAN SUBJECTS
Our File No. 421/60/15/2

Sir:

Please find enclosed the following:

1. A Response to Restriction Requirement (4 pages).

Please contact our offices if there are any questions.

Although it is believed that no fee is due, the Commissioner is hereby authorized to
charge any deficiencies of payment associated with the filing of this correspondence to
Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS & WILSON, P.A.

Arles A. Taylor, Jr.Arles A. Taylor, Jr.
Registration No. 39,395
Customer No. 25297

AAT/haw

Enclosures

**** Transmit Conf. Report ****

P.1

Apr 26 2002 17:51

Telephone Number	Mode	Start	Time	Page	Result	Note
17038729306	NORMAL	26.17:49	1'26"	6	* O K	

COPY**JENKINS & WILSON, P.A.****PATENT ATTORNEYS**

SUITE 1400 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NORTH CAROLINA 27707

TELEPHONE: (919) 493-8000
FACSIMILE: (919) 419-0383

WEBSITE: WWW.JENKINSANDWILSON.COM

DATE:April 26, 2002**TO:**Examiner Cybille Delacroix-Muirheid**FAX NO.:**(703) 872-9306**FROM:**Arles A. Taylor, Jr.**Re:**

U.S. Patent Application Serial No. 09/703,804 for
METHODS AND FORMULATIONS FOR THE
TREATMENT OF INFECTIOUS BURSAL DISEASE IN
AVIAN SUBJECTS

Our File No. 421/60/15/2**NUMBER OF PAGES TO FOLLOW:** 4

If transmission is poor, or if you do not receive all pages, please call (919) 493-8000 as soon as possible.

Received from <9194190383> at 10/11/02 4:02:03 PM [Eastern Daylight Time] RESPONSE TO RESTRICTION/ELECTION

JENKINS & WILSON, P.A.**PATENT ATTORNEYS**

SUITE 1400 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NORTH CAROLINA 27707
TELEPHONE: (919) 493-8000
FACSIMILE: (919) 419-0383

COPY

WEBSITE: WWW.JENKINSANDWILSON.COM

DATE: April 26, 2002

TO: Examiner Cybille Delacroix-Muirheid

FAX NO.: (703) 872-9306

FROM: Arles A. Taylor, Jr.

Re: U.S. Patent Application Serial No. 09/703,804 for
METHODS AND FORMULATIONS FOR THE
TREATMENT OF INFECTIOUS BURSAL DISEASE IN
AVIAN SUBJECTS
Our File No. 421/60/15/2

NUMBER OF PAGES TO FOLLOW: 4

If transmission is poor, or if you do not receive all pages, please call (919) 493-8000 as soon as possible.

PLEASE FIND ATTACHED A RESPONSE TO RESTRICTION/ELECTION REQUIREMENT FOR ENTRY INTO THE SUBJECT U.S. PATENT APPLICATION.

Please deliver the attached to Examiner Delacroix-Muirheid as soon as possible. Thank you.

The information contained in this facsimile message is **ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the individual or entity named as recipient. If the reader is not the intended recipient, be hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone and return the original message to us at the address shown above via the U.S. Postal Service. Thank you.

JENKINS & WILSON, P.A.**PATENT ATTORNEYS**

SUITE 1400 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NORTH CAROLINA 27707
TELEPHONE: (919) 493-8000
FACSIMILE: (919) 419-0383

WEBSITE: WWW.JENKINSANDWILSON.COM

DATE: October 11, 2002

TO: Examiner Cybille Delacroix-Muirheid

FAX NO.: (703) 746-5033

FROM: Arles A. Taylor, Jr.

RE: Our Ref. No. 421/60/15/2; Serial No. 09/703,804

NUMBER OF PAGES TO FOLLOW: 7

If transmission is poor, or if you do not receive all pages, please
call (919) 493-8000 as soon as possible.

COMMENTS:

The information contained in this facsimile message is **ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the individual or entity named as recipient. If the reader is not the intended recipient, be hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone and return the original message to us at the address shown above via the U.S. Postal Service. Thank you.